



City of Seattle

Gregory J. Nickels, Mayor
Department of Design, Construction and Land Use
D. M. Sugimura, Acting Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2204876
Applicant Name: Missy Voter for Daniel Duffus
Address of Proposal: 1220 East Fir Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into five (5) parcels of land (unit lot subdivision). Proposed parcel sizes are: Parcel “A” 1,586.0 square feet; Parcel “B” 1,413.9 square feet; Parcel “C” 1,131.4 square feet; Parcel “D” 766.6 square feet; and Parcel “E” 1,129.7 square feet.

Construction of two residential structures containing a total of five townhouses (two units in Building 1 and three units in Building 2) is being reviewed under a related construction permit (MUP #2203536). One garage parking space would be provided on the ground floor of each unit for a total of five on-site parking spaces. Vehicular access to these spaces would be provided by a driveway easement.

The following approval is required:

Short Subdivision - To divide one parcel into five parcels of land (unit lot subdivision).
(Seattle Municipal Code Chapter 23.24)

SEPA DETERMINATION: Exempt DNS MDNS EIS

 DNS with conditions

 DNS involving non-exempt grading or demolition, or
 involving another agency with jurisdiction.

BACKGROUND DATA

Subject Site and Vicinity

The subject site is located on the north side of East Fir Street on an interior lot between 12th Avenue to the west and 14th Avenue to the east. The site has fifty (50) feet of frontage along East Fir Street and measures approximately 120 feet deep. No existing alleys abut the site.

Commercial buildings are located to the north and south of the site. A church is located east of the site. Another unit lot subdivision application has been filed for the lot to the west of the subject site (Project #2204877). The two unit lot subdivisions would share a common driveway easement.

The site is located in a Residential, Multi-family, Lowrise 3 zone (L3). Adjacent properties to the north, east, and west are also zoned L3. Property to the south (across East Fir Street) is zoned Commercial 2, with a height limit of 65 feet (C2-65).

There is an approximately six-foot high retaining wall along the east property line of the site. The project site slopes from south to north with a maximum slope of approximately eight percent (8%).

Project Proposal

The applicant proposes the unit lot subdivision of the existing 6,027-square foot lot into five parcels of land. Proposed parcel sizes are: Parcel "A" 1,586.0 square feet; Parcel "B" 1,413.9 square feet; Parcel "C" 1,131.4 square feet; Parcel "D" 766.6 square feet; and Parcel "E" 1,129.7 square feet. Two new townhouse structures containing a total of five dwelling units would be constructed such that one unit was located on each unit lot.

Proposed Parcels A and B would have street frontage on East Fir Street; however, vehicular access to all five unit lots would be through a ten-foot wide common ingress, egress, and utility easement off of East Fir Street. The easement would straddle the property line with the lot to the west (1214 East Fir Street, MUP #2204877).

A five-foot wide pedestrian access and utility easement would allow pedestrian access to Parcels C, D, and E from East Fir Street.

Public Comments

The 14-day public comment period ended September 4, 2002; no written comments were submitted.

ANALYSIS - SHORT SUBDIVISION (UNIT SUBDIVISION)

Seattle Municipal Code (SMC) Section 23.24.040 outlines the criteria for approval of a short plat. No short plat shall be approved unless all of the following facts and conditions are found to exist. Based on the information provided by the applicant, referral comments from DCLU, Seattle Public Utilities, Seattle Fire Department, Seattle City Light, and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited below:

1. *Conformance to the applicable Land Use Code provisions;*

The parcels created by the proposed short subdivision will conform to all development standards of the Lowrise 3 zone. The proposed parcel sizes and configurations provide adequate buildable area to meet applicable setbacks, lot coverage requirements, and other Land Use Code development standards with respect to the parent lot (SMC 23.45). The proposed unit lot subdivision is for ownership of five individual townhouse units on five separate unit lots. Therefore, the proposed subdivision of the subject site into five parcels would not be out of character with the applicable Land Use Code provisions.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

All five parcels would access the subject site from a ten-foot wide easement accessed from a public right-of-way (East Fir Street). East Fir Street has an existing right-of-way width of 56 feet and is improved with curb, gutter, and sidewalk. Pedestrian access to the subject site would be provided from either the street or via the proposed five-foot pedestrian access and utilities easement provided from East Fir Street to proposed Parcels C, D, and E. In order to assure that the use and maintenance responsibilities associated with the common areas are clear, the applicant/responsible party will be required to record an easement maintenance agreement with the final short plat.

The Seattle Fire Department has reviewed the proposed lot configuration with regard to fire protection and emergency vehicle access and has no objection. No improvements were requested by the Fire Department.

An address sign shall be posted such that the addresses for Parcels C, D, and E are visible from East Fir Street. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained.

All private utilities are available in this area. Seattle City Light reviewed the proposal and has requested that an easement be provided for overhead/underground utilities. This requirement will be included as a condition of the short plat.

There is an existing 18-inch public sewer (PS) located in East Fir Street. Drainage for the site will be discharged to the existing PS.

Seattle Public Utilities issued a Water Availability Certificate (#2002-0872) on August 20, 2002 for the proposed subdivision.

As conditioned, this short plat provides adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

The proposal was reviewed for drainage; an 18-inch public sewer (PS) is located in East Fir Street. A sidesewer permit will be required to connect sanitary sewer services to the existing PS.

In addition, connection to the existing PS is also the appropriate means for drainage discharge. Stormwater detention with controlled release to the PS in East Fir Street is likely to be required if construction exceeds 2,000 square feet of development coverage. Plan review requirements will be made at the time of building permit application in accordance with any applicable stormwater ordinances in effect at that time. If the project exceeds 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan, prepared in accordance with SMC 22.802.015(D) and 22.802.020, may be required. Therefore, the City of Seattle adequately serves the area with sanitary sewer and stormwater facilities.

Seattle Public Utilities - Water reviewed the application. Water Availability Certificate No. 2002-0872, issued on August 20, 2002, documents the adequacy of water supply. The following requirement from the approved Water Availability Certificate must be met: *“An easement allowing underground water services must be provided to serve Parcels C, D, and E.”*

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposal is consistent with the intent of the relevant Lowrise 3 zone policies and meets the minimum subdivision standards of the Seattle Land Use Code. The proposed unit subdivision, as conditioned, would have adequate access for vehicles and utilities. In addition, the subdivision would have adequate drainage, water supply and sanitary sewer disposal. Consequently, the public use and interest would be served by permitting the proposed subdivision of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, Short Subdivisions and Subdivisions, in Environmentally Critical Areas;*

The subject site is not located in an environmentally critical area; therefore, the subdivision is not subject to the provisions of the Critical Areas Ordinance.

6. *Is designed to maximize the retention of existing trees;*

This standard is not applicable because the development of the subject site is permitted by approval of the associated building permit (MUP #2203536). Tree requirements for the site are addressed in that permit.

7. *Conformance to the applicable provisions of Section 23.24.045 Townhouses, when the subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses.*

Because the proposed short plat subdivision is proposed for the purpose of creating separate lots of record for the construction and/or transfer of title of five townhouses, consideration of Section 23.24.045 is necessary. The provisions of SMC Section 23.24.045 are as follows:

- A. *“The provisions of this section apply exclusively to the unit subdivision of townhouses, cottage housing, residential clustered housing, or single family residences in Lowrise zones.”*

The subject proposal would establish separate lots for five townhouses in a Lowrise 3 zone, thus falling within the purview of SMC Section 23.24.045.

- B. *“Sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of subdivision, development on individual unit lots may be non-conforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.”*

The lot lines established by this short plat are largely dictated by the location of the units and associated open space areas. Required open space areas for each dwelling unit are provided on the respective unit lot. Approval of the townhouse development pursuant to MUP #2203536 indicates that the development of the parent lot satisfies the applicable development standards.

- C. *“Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any non-conformity of the parent lot.”*

In order to assure proper control of future platting actions, additions, or modifications to structure(s) on the subject site, a condition will be required on the face of the plat as outlined under Criterion ‘F’ below.

- D. *“Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.”*

Joint use and maintenance easements/agreements required for Parcels A, B, C, D and E with respect to the proposed common areas for access and utilities (including pedestrian access) will be required.

To ensure that future landowners have constructive notice of the use and maintenance responsibilities associated with shared property, in particular common walls and easements, a condition of approval prior to the individual transfer or sale of any lots shall require that such information be disclosed.

- E. *“Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.”*

Parking would be provided on-site in individual garages for each of the five townhouse units on proposed Parcels A through E. An ingress, egress, and utilities easement is proposed from the site frontage on East Fir Street to the parking area for all five townhouse units.

- F. *“The fact that the unit lot is not a separate buildable lot and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.”*

Review of the proposal indicates that the proposed short subdivision conforms to applicable standards of SMC 23.24.045 for townhouse development in the Lowrise 3 zone. To assure that future owners have constructive notice that additional development may be limited, the following statement shall be required to be included as a note on the final short subdivision: *“The unit lots shown on this site are not separate buildable lots. The dwelling units constructed on all Parcels “A” through “E” are non-conforming structures permitted pursuant to SMC 23.42.112. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”*

Summary

The lots to be created by this unit subdivision would meet all minimum standards of the Lowrise 3 zone set forth in the Land Use Code for short plats and would be consistent with applicable Multi-family Policy guidelines. As conditioned, this short subdivision could be provided with adequate vehicular access (including emergency vehicles) and public and private utilities. Adequate provisions for drainage control, water supply, and sanitary sewage disposal could be provided for each lot, and service is assured subject to standard conditions governing utility extensions.

DECISION - SHORT SUBDIVISION (UNIT LOT SUBDIVISION)

The application to subdivide one parcel into five parcels is **CONDITIONALLY APPROVED**.

CONDITIONS - SHORT SUBDIVISION (UNIT SUBDIVISION)

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the final recording forms and fee.
2. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision (unit lot subdivision) shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and any encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat.
3. Add the conditions of approval to the final recording documents.
4. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress, utilities, pedestrian, and common area easements. The Seattle City Light easement in its entirety (typically referred to as "Easement A") shall be shown on the final recording documents.
5. Provide the joint use and maintenance agreement for common easements and walls on the final recording documents.

6. Add the following statement as a note on the final recording documents:

“The unit lots shown on this site are not separate buildable lots. The dwelling units constructed on all Parcels “A” through “E” are non-conforming structures permitted pursuant to SMC 23.42.112. Additional development on these unit lots in this subdivision may be limited as a result of the application of development standards to their parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.”

7. Post an address sign such that the addresses for Parcels C, D, and E are visible from East Fir Street. An easement or covenant shall be recorded with the final plat to ensure that the address signage is maintained.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots

Prior to the individual transfer or sale of any one of the lots, the owner(s) and/or responsible party(s) shall:

8. Ensure that any owner(s) and/or responsible party(s) is/are made aware of the joint use and maintenance responsibilities associated with “common” areas or shared property/ structural features, including common walls and easements.

Signature: _____ (signature on file) Date: February 17, 2003

Leslie C. Clark, AICP, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services

LC:vr